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NIGHT FINAL

FBI Probed Itself on Lost Oswald Note

Prosecution Was Studied In Dallas Office Mystery

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The FBI and the Justice Department two years ago conducted an internal investigation to determine whether any FBI official should be prosecuted for destroying documents relating to the probe of President Kennedy's assassination, newly released bureau files disclosed today.

The documents in question prove that the FBI's Dallas field office was checking on Lee Harvey Oswald before the assassination. In all, 59,000 pages of documents were released today.

THE QUESTION of whether the FBI was trying to eliminate any trace of Oswald in its files in the first hours after Kennedy's death is not a new one, but the documents released today disclose the depth of the investigation conducted by FBI Director Clarence M. Kelley after reporters and the House of Representatives began pressing for explanations.

What the documents do not reveal is what conclusion the FBI and the Criminal Division of the Justice Department reached about who ordered destruction of a note Oswald left for James P. Hosty Jr., an FBI agent, at the Dallas field office several days before Kennedy was killed Nov. 22, 1963.

There is no dispute that Oswald left a note, somewhat threatening in nature, for Hosty. Nor is there a dispute that the note itself was destroyed a few hours after Kennedy was killed.

What remains at issue is whether J. Gordon Shanklin, the special agent in charge in Dallas, ordered Hosty to destroy this evidence and, if he did, whether he acted on orders from some FBI higher-up in Washington.

THE HOSTY-OSWALD matter is one of the more fascinating elements of the Dallas incident because of speculation about how history may have been changed if Hosty had had better luck trying to find Oswald in the days before the shooting.

The FBI documents released today reaffirm that Hosty, who was then 35, knew from Nov. 4, 1963 — almost

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three weeks before the assassination — that Oswald was a defector and a Communist sympathizer and that he worked at the Texas Schoolbook Depository.

Even though Hosty knew the Kennedy motorcade route would take the president past Oswald's job, the agent didn't make the connection because no one had officially informed him of the route. When Hosty heard about the president's death, he told a Dallas policeman he was working on Oswald, the suspect, and this led Dallas Police Chief Jesse Curry to charge that the FBI had prior knowledge of Oswald as a threat to the president's safety.

This drove then-FBI Director J. Edgar Hoover and his top aides to demand that Curry publicly retract his statements. Curry did retract them, because he had the information second-hand.

THE FILES SHOW that Oswald went to the Dallas field office about 10 days before the assassination and asked to see Hosty. When a clerk, Nannie Lee Fenner, told Oswald that Hosty was out, the ex-Marine left an unsealed envelope with a note inside.

Fenner told investigators in 1975 that she read the note and it said approximately, "Let this be a warning. I will blow up the FBI and the Dallas Police Department if you don't stop bothering my wife. Signed, Lee Harvey Oswald."

From there on the stories of various FBI officials in Dallas differ:

- Fenner claims she gave the note to Shanklin's assistant, Kyle Clark (now retired). She said Clark observed that it was just from "a nut" and told her to pass it on to Hosty.
- On Nov. 24, 1963, Fenner said Clark told her, "Forget about the Oswald letter." Some time afterward she asked Hosty what happened to the Oswald letter and Hosty professed not to know what she was talking about.
- Hosty told FBI headquarters investigators that he had advised Shanklin that Oswald was the subject of one of his cases and told them he was going to include a reference to the Oswald note in his report. Hosty contended that he was instructed by Shanklin to destroy the letter. He said he believed he threw it into a wastebasket.
- Shanklin and Clark said in 1975 they never knew about the note or that Oswald had visited the field office to see Hosty. Shanklin, who now is retired, came to Washington in 1975 and told Assistant Director Harold M. Bassett he had no recollection of the Oswald-Hosty matter.

ALL THIS was investigated by the FBI at the time of the Warren Commission's deliberations in 1964, and the results were given to the panel. But none of the Hosty-Oswald material was used in the commission's final report.

The Justice Department later told the FBI that it was primarily interested in whether Shanklin knew about the Hosty-Oswald connection, and informed officials have indicated the question was whether there had been obstruction of justice by Shanklin or one of his superiors.

The mass of documents released today does not make clear how the matter ended.